App. F. IX-4

1378

Previous References.

1946-7

(S.D. A)

File No. A 137-46

Serial Nos. 1.2

Later References.

P.12(E)

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Two

Preserve

Part B for 7 Jan 47

SUBJECT

Claim of Compensation to B. N. Padmanabh

Notes:- P1 — 5
Corr.:- P1 — 4

To. Trans - RS in Mysore

S.D. 6227/ A 137-46-2 dt 30.1.47

R.Z. Sharma Rao.
14.2.47

1882/Ga.

Claim of compensation by Mr. P.N. Padmanabhan of Demdaw on account of damage occurred at his garages engaged as Demdaw for housing lorries of the Food Deptt.

R. S. III—3]

ROUTINE NOTES

A 134-46.— 1.2

[To be used only for notes, requisitions, etc., not intended for permanent record.]

SUPPLY SECRETARIAT
5 NOV 1946
2910
D. No.

KS

Endorses obtained placed

Secretariat

11/11

Connected reference Collection (A 12-46-65)
Submitted to the minister for law on 12.11.46.
Minister D. no 1771.

21/11

NOTE—Contn. Sheet

Claim of Compensation by Mr. B.N. Padmanabhiah of Dundur on account of fire accident that occurred at his garages engaged as Dundur for housing lorries of the Food Depot

A137 - 46.

PwD

Letter no JR.C.4172/45-46 dated the 29th October 1946 from the Director of Food Supplies in Mysore. Bangalore.

on the above subject addressed to the Legal Remembrancer & Law Secy to Govt.

3) Submitted: It was reported that an accidental fire broke ~~down~~ out on 6.3.46 in one of the closed sheds of Mr. B.N. Padmanabhiah at Dundur where two lorries of the Food Depot had been parked as a result of which the two lorries caught fire and were burnt. and that the remains were sold in public auction on 23.7.46 for a sum of Rs 3155/- The sale of the remains of the lorries ~~in public action has been~~ approved in G.O. no ~~SD~~ 2868-70/A12-45-2 dated the 27th Sept 1946.

A
Linked file
A 12-45

30.

4) It is now stated that the owner of the building has now put in a claim for Rs 2930/- towards the loss sustained on account of the damages caused to the building and that the Asstt & Accts Officer who was consulted in the matter opined that the loss has been caused entirely by the omission of Mr. Padmanabhiah as a landlord in not effecting fire insurance to a building on which he took a fair rent and which therefore was liable to fire risk, that he should pay to Govt the loss caused by his omission and that no question of Govt paying any loss to him arises.

x Flag G.
to please see the
orders - Flag V.

Flag I

5) The Advocate General who was consulted by the Director is stated to have referred the matter to the Secy to Govt, Law Depts. The Director requests that the legal opinion

Claim of Compensation by Mrs. B.N. Padmanabhiah.

A 137-46. 1886

regarding the liability of the Food Supplies Deptt in respect of the claim of the party to losses sustained by him, in the case may be furnished.

(A 12-45 (43-73)

b) The Collector, Cuddapah the report of the Commissioner, Ceded Districts, Bellary dated regarding how the fire accident. Since released from Dy no 17 in pursuance ~~with the H.M. dt. 6.3.46. Awaited the return of the file~~ awaited.

7) The file may now be sent to the Law Secy. — Refer Paras 1-2.

[The question whether in the circumstances of the case, the Food Deptt is liable for losses amounting to Rs. 2930/- ~~towards~~ losses sustained by Mrs B.N. Padmanabhiah on account of damages to his building due to the fire accident on 6-3-1946 in the prior for legal opinion.]

Food Secy)

8) In favour of Division.

9) The claim of the petitioner

fire accident to garage - claim for inspection

1886/Cus

App. F III-2

General and Revenue Secretariat | File No. | of 194 .

Serial No.

is in respect of damage caused to the building by fire. The garage had been engaged (vide p '2') on rent basis at a monthly rent of Rs 25/- and no special agreement has been recorded in that behalf. It is not clear from the papers whether the fire which broke out in one of the sheds was caused by negligence of any of the parties; if it was purely 'accidental' act as alleged (it is not clear whether the claimant agrees with it), or if there was contributory negligence, then, no liability for compensation arises. Non-insurance of the building does not appear to support the case of the Deptt. if there was negligence on their part.

NKH
6.12.86.

10) If the fire is accidental the Govt is not liable for the loss. The parties must ensure themselves against risks as building is leased being garaged there and no other protection against it. He could have insured his building but that does not affect the liability (if any) either way. If there was negligence on the part of the department, then the

NOTE—Contn. Sheet

2/10

File No. 1886/Law of 191 .

General and Revenue Secretariat

Serial No.

Q. may have arisen the loss. Even then the question contributory negligence would arise.

Lawless) 7/12

Lord Say) 10/12

11) 8K

12) For perusal. The legal opinion desired by the D.T.S. will be furnished. The burden of proof re. showing negligence on the part of the Dept. rests on the party. It is not clear what his grounds will be. Even if he does attempt it, there would be the question of contributory negligence, if any, on his part.

Asst. Sec. : Law) 11/12

13) 27/1/47

27/1/47

14) Draft letter to D.T.S. is put up for appr.

29/1/47 Lord Say) 29/1/47

15) Issue (Completed) to personal address.

Issued D.O.No.B 6227/Encl Records of 30.1.47 to the D.T.S. (by name) returning the file of records, with the ruling in legal opinion in the matter.

30/1

30/1/47

OFFICE OF THE ... FOR LAW ... 27 ... No. S.D.77

7 DEC 1946

WD 03814—GPB—15,000—20-7-46

1886

GOVERNMENT OF MYSORE

Tele. { phone: 2231
grams: Foodsup.

OFFICE OF THE
DIRECTOR OF FOOD SUPPLIES
IN MYSORE,

No TRC. 4172/45-46.
ENCLS. 1 file
2 copies.
1 extract.

2 NOV. 1946

A 10 465
A 137-46-1

Bangalore, dated 29th October 1946.

FROM

N.PUTTARANGASWAMY.ESQ.,B.Sc.,
Additional *Director of Food Supplies in Mysore, Bangalore.*

To

THE LEGAL REMEMBRANCER AND LAW SECRETARY
TO GOVERNMENT OF MYSORE,
BANGALORE.

SIR,

Subject: Claim of compensation by Mr. B.N. Padmanabhiah of Tumkur on account of the fire accident that occurred at his garages engaged at Tumkur for housing lorries of the Food Department.

****

I have the honour to state that an accidental fire broke out on 6-3-46 in one of the closed sheds of Mr. B.N. Padmanabhiah, at Tumkur where two lorries of the Department had been parked, as a result of which the two lorries caught fire and were burnt. The remains of these two lorries were sold in public auction on 23-7-46 for a sum of Rs.3155/- and the action taken was also approved by Government in their order No. SD. 2868-70/A12-45-23 dated 27-9-1946.

2. In connection with this accident the building in which these two lorries had been parked also sustained some amount of damage. The Owner of the building Mr. B.N. Padmanabhiah has now put in a claim for Rs2930/- towards losses sustained. The Auditor and Accounting Officer, Food Supplies Department who was consulted in the matter opined that the loss has been caused entirely by his omission as a landlord in not effecting fire insurance to a building on which he took a fair rent and which he knew was liable to fire risk, that he should pay to Government the loss caused by his omission and that no question of Government paying any loss to him arises. An extract of the Auditor's note is herein enclosed

enclosed for reference.

3. The Advocate General in Mysore, Bangalore [illegible] requested in this office letter No. [illegible] dated 17-[illegible] to furnish his opinion about the liability of the Food Supplies Department in respect of the claim of the party for losses sustained in the absence of any specific agreement and in view of the fire being accidental, has replied in his letter No. 120 dated 25-9-1946 that according to rule 143 of the Rules for the conduct of legal affairs of Government, all matters for legal opinion have to be addressed to the Secretary to Government Law Department and not to his office, etc. Copies of the letter addressed to the Advocate General in Mysore and the reply received from him are herein enclosed for reference.

4. In the circumstances I request you kindly to furnish the legal opinion as regards the liability of the Food Supplies Department in respect of the claim of the party to losses sustained by him. The entire file is sent herewith for reference and kind return.

I have the honour to be,
Sir,
Your most obedient servant,

29-10

ADDL. DIRECTOR OF FOOD SUPPLIES.

MKR.2

11/29/10/46

Copy of letter No.TRC.4172/45-6, dated 18-9-1946 from the Director of Food Supplies, in Mysore, Bangalore to the Advocate General in Mysore Bangalore.

****

I have the honour to state that a set of garages belonging to one Mr. B.N.Padmanabhia, of Tumkur were engaged by the Deputy Commissioner, Tumkur for housing the lorries of the Food Department. The garages had been engaged on rent basis at a monthly rent of Rs. 25/- and no special agreement has been executed in that behalf.

On 6-3-'46 fire broke out accidentally in one of the closed and locke sheds where two lorries of the department had been parked, as a result of which the two lorries inside caught fire and got burnt out. The building also sustained some amount of damage owing to the fire.

The owner of the garages has put in a claim for Rs. 2930/- towards losses sustained by him by way of damages caused to his sheds by the fire. The claim appears to have been based on the condition and the nature of the structure that existed before the fire broke out.

I request you to kindly favour me with your opinion about the liability of the Food Supplies Department in respect of the claim of Mr. Padmanabhiah for losses sustained by his garage in the absence of any specific agreement and in view of the fire being accidental.

"COPY"

Copy of letter from the Advocate General in Mysore, dated 25th Sept. 1946, ~~xxxxxxx~~ to the Director of Food Supplies in Mysore, Bangalore.

Sub: Garages belonging to Mr. B.N. Padmanabhiah of Tumkur.

With reference to your letter No.TRC. 4172/45-46, dated 17th September 1946 on the above subject, I have the honour to state that according to Rule 1 (3) of the Rules for the conduct of Legal Affairs of Government all matters for legal opinion have to be addressed to the Secretary to Government, Law Department, and not to this office. I therefore request you to kindly address the said officer. etc.

I may also state in this connection that a fuller statement of the case than is now contained in your present letter will be necessary for furnishing the opinion required by you.

"COPY"

FOR DIRECTOR OF FOOD SUPPLIES

Remarks of the auditor and accounting officer on the File.
Dated 5.9. 43.

The gentleman was taking a fair rent for the [illegible] It was his responsibility as an owner letting out [illegible] risks, to have effected fire insurance for the building. [illegible] do so has put Government to unnecessary loss. There is no [illegible] that any omission on the part of Government staff led to the fire [illegible] It is therefore seen that not only is there no case for the party to claim any loss from Government, but he should be made liable for the losses incurred by Government on account of his omission to take the usual precautions against occurence of fire.

The Deputy Commissioner's action in taking an estimate from the Executive Engineer to show the loss caused to the party is to say the least hasty and it is such hasty action on the part of Government officers which put Government in a compromising position.

A notice may be issued to the owner that the loss has been caused entirely by his omission as a land lord in not effecting fire insurance to a building on which he took a fair rent and which he [illegible] fire risk and hence he should pay to Government the loss caused by his omission and no question of Government paying any loss arises.

SD. [illegible]
5.9.43.
Auditor and accounting officer,
Food Supplies Deptt.

[signature]
For DIRECTOR.

8/9/43/10

Appendix F. G.—1]

SUBJECT Claim of Compensation by Mr. A.N. Subramaniam of Tumkur on account of the fire accident that occurred at his garage engaged at Tumkur for storing Corrin of the Food Department.

Confidential

Section A

File No. 137-46

Serial No. 2

Diary No. of letter replied to.....

No. D. Agri 121 dt. 30-1-47 & Records

General and Revenue Secretariat

(

the 194 .

To,

The Director of Food Supplies in Mysore Bangalore.

Date of issue 30-1-47

Signed by Sd/- K.S. Srinivasan

Sir,

With reference to your letter No T.R.C.4132/46 dated the 29th October 1946 & the Legal Remembrancer & Law Secy to Govt regarding to furnish his legal opinion as regards the liability of the Food Supplies Department on the above subject, I am directed to state that if the fire accidental the Govt is not liable for the loss. The party must have insured the risks to the building by Corrin being garaged there and be at no time protective against it. The could have insured his building but that does not affect the liability (if any) Govt being. If there was negligence on the part of the Department, then the Govt may have to

List of enclosures.....

Copied by.....

Examined by.....

P.T.O

Dr. K. SRINIVASAN, B.Sc.,
Secretary to Government,
Food & Civil Supplies Dept.

4

GENERAL AND REVENUE SECRETARIAT

Dated, Bangalore 30th Jan. 94

CONFIDENTIAL.

D. O. No. SD. 627 /A.137-46.

Gs. Neemo

My dear Guru Dutt,

Claims of compensation by Mr.B.N.Padmanabhiah of Tumkur on account of the fire accident that occurred at the garages engaged at Tumkur for housing lorries of the Food Department.

\- - - -

With reference to your letter No.T.R.C. 4172/45-46, dated the 29th October, 1946 to the Legal Remembrancer and Law Secretary to Government requesting to furnish the legal opinion as regards the liability of the Food Supplies Department on the above subject, I am desired to state that if the fire is accidental the Government is not liable for the loss. The party must have known the risks to his building by lorries being garaged there and he at no time protected against it. He could have insured his building but that does not affect the liability(if any) either way. If there was negligence on the part of the Department, then the Government may have to meet the loss. Even then the question of contributory negligence would arise.

The file of records are returned herewith.

Yours sincerely,

K. Guru Dutt, Esq., B.A.,
Director of Food Supplies in Mysore,
BANGALORE.

O/C.

DN2) Mr.